[Sri C. N. Muthuranga Mudaliyar] [16th September 1947

திருப்பது மகாத்மா காந்தியின் முயற்சியால்தான். மாகாத்மா காந்தியும் இப்பொழுது (நடக்கும்) வேறுபாட்டினால் நமக்குள் இருக்கும் சச்சரவு கொலை கொள்ளை களவு முதலியவைகள் நின்று விடும்படி செய்து நாம் ஒற்றுமை அடைந்து பூரண சுதந்திரத்தை இந்த பாரத பூமிக்கு தேடி வைக்க அவர் சக்தி வாய்ந்தவர். அவரும் தான் 125 வயது வரையில் இருப்பேன் என்று சொன்னார். அவர் கட்டாயம் இருப்பார். நமக்குள் சச்சரவு ஒழிந்து ஒற்றுமைப்படுத்தி இந்நாட்டை ஒன்றாகச் செய்து இந்த பாரத பூமிக்கு லாகூர் காங்கிரஸ்சில் 1930-ம் வருஷம் தீர்மானம் செய்ததை போல் பூர்ண சுதந்திரம் கொண்டுவந்து வைப்பார் என்றும் இன்னும் மேல் காரியங்களையும் செய்து வைப்பார் என்றும் சொல்லுகிறேன்.
நான் இந்த தீர்மானத்தை சந்தோஷமாக ஆதரிக்கிறேன்.

"ஆகையால் தலைவர் அவர்களே நான் இந்த தீர்மானத்தை முழு மனதுடன் ஆதரிக்கிறேன்." (கரகோஷம்.)

3-30 p.m. MR. PRESIDENT :—"Hon. Members will perhaps agree that this is the only resolution of its type in which I can without any delicacy take part and associate myself. It will be sheer presumption on my part to pay tribute to that great, I would not call him, a man, a great personage, who has been aptly described as the architect of Indian freedom. We know the history of this ancient land. We also know the so-called history of those lands which are said to exist above us, the ethereal regions, and the fights which took place not only on the face of this earth but also between the denizens of those higher regions. Neither in the history of the mundane earth nor in the history of the higher regions we have ever come across such a miracle as this, namely, the smooth passage from slavery to freedom. No doubt it can be said that we are mundane beings, we are not noble in actions and feelings, we are almost denizens of the jungle and so we observe the laws of the jungle. But those superior beings who are said to habitate and live in those higher ethereal regions with much higher nobler ideas, even they are said to have fought for their existence. So I make bold to say that this miracle that has happened in this land on the 15th August is not only unique in this history of this land; it is also unique in the history of even Suras and Asuras. So it is no mean thing that has been achieved, and it is but right that we should express our feelings of gratitude and thankfulness first to Almighty and then to His representative on this land for having brought about this remarkable change in our status and prestige. I therefore have great pleasure in associating myself with this resolution, and I will now put it to the vote of the House."

The resolution was carried *nem con* amidst cheers.

II.—RESOLUTION *RE* ADOPTION OF MADRAS LEGISLATIVE COUNCIL RULES AS RULES FRAMED UNDER SECTION 84 (1) OF THE GOVERNMENT OF INDIA ACT, 1935.

THE HON. DR. T. S. S. RAJAN :—"Sir, I beg to move that—

'*The Rules for the Madras Legislative Council in force immediately before* 15th *August* 1947 *be adopted as the rules of the House to the extent that they are not repugnant to the provisions of the Indian Independence Act,* 1947, *and the Orders issued thereunder.*'

16th September 1947] [Dr. T. S. S. Rajan]

"I am just putting this resolution before this House so that I may have its sanction to enable us to proceed legally with the business of the House as a regular constituted House under the constitution. (Interruption by Dr. V. K. John.) My friend, Dr. John, says this is superfluous and unnecessary. But our legal pandits have put up this resolution and want us to pass it to enable us to sit in this House and conduct our business. They say that the exsisting Council Rules were framed by the Governor under sub-section (3) of Section 84 of the Government of India Act, 1935. This sub-section has now been omitted by the India. (Provincial Constitution) Order, 1947, and in its place another sub-section which relates to the Legislative Assemblies of West Bengal and East Punjab has been substituted. In view of this change, it has now become necessary that the House should exercise its powers under sub-section (1) of section 84 of the Government of India Act, 1935, so as to keep the existing rules in force. So I move this resolution be accepted by the House before we proceed to the other items in the agenda."

* DR. V. K. JOHN :—"Sir, I am sorry I have to intervene to question the propriety of this resolution. It is a fundamental principle of law that when rules are framed under an Act and when that Act is repealed, unless the repealing Act says that the rules framed already under that Act are also repealed, those rules will continue to be in force. This principle has been accepted and laid down in section 38 (2) of the Interpretation Act of England."

MR. PRESIDENT :—"That will lead to a curious result. In that case, we will be bound by Governor's rules though we function under the Independence Act."

* DR. V. K. JOHN :—"Now the Adaptation Order does not say that these rules are repealed. The result is the rules continue to be effective even to-day. But here, in this resolution we proceed on the assumption that those rules are repealed.

"Another thing that is assumed in this resolution is that we can pass a bundle of rules by means of a resolution. Actually, under the existing rules, you cannot amend any of these rules unless the amendments go before a select committee and the entire procedure in regard to bills is followed."

MR. PRESIDENT :—"Those rules are now non-existent."

* DR. V. K. JOHN :—"It is not the correct position. Now, in this resolution, we are asked to adopt a bundle of rules without going through the procedure to be followed in regard to amendment of rules. I say, it is all useless and ineffective, though harmless. I feel we should not adopt anything which is not effective though harmless."

THE HON. DR. P. SUBBARAYAN :—"Sir, I was glad to hear this legal objection. As a matter of fact, this resolution was not brought before this House or the other House without careful consideration by the legal pandits, the Legal Department. They

did consider for a time whether such a course was necessary. And Dr. John knows, as well as I do, there is such a thing in law as abundant caution, and it is that we have chosen to do here. Dr. John asked whether it is legal to adopt rules by a resolution instead of by the regular procedure prescribed for that. I am afraid he is wrong. The select committee procedure is prescribed only for amendments to rules. All that is sought to be done under this resolution is to continue the old rules and so I hope this resolution will be accepted as a right thing that is being done."

The motion was put and carried.

IV.—CONDOLENCE RESOLUTION.

THE HON. DR. T. S. S. RAJAN :—" Sir, I move—

> '*That this House places on record its deep sense of sorrow at the demise of Mr. K. O. Antoni and Lieut.-Col. K. R. K. Ayyangar and conveys its sense of sympathy to the members of their bereaved families.*'

" Sir, I move this resolution in memory of two members of this House who are not with us to-day. Following the practice in this House, it is my painful duty to bring before you the death of Mr. K. O. Antoni, late member for Indian Christian Constituency and Lieut.-Col. K. R. K. Ayyangar, late nominated member, and desire to express our sense of loss we have sustained and our sympathy with their relatives. The late Mr. Antoni has been a very prominent figure in our Council. He was a very keen labour Member and took an active part in our discussion here. I knew him as a young man studying in the St. Joseph's College, Trichinopoly. He was a very good sportsman and he was a very good football player. Subsequently I lost sight of him for years, as I lived far away from Trichinopoly. Later in life I came across him as a Member of this Council. He has been a labour officer in the Buckingham and Carnatic Mills, and his services have been regarded by those who were in close touch with him as valuable. As Welfare Superintendent of the Buckingham and Carnatic Mills, he was responsible for the organization of the Athletic Association, the Co-operative Society, Dramatic Society, Literary and Debating Society, the St. John Ambulance Corps and various other activities connected with the mills. As Secretary of the Welfare Committee, he will be remembered as the man who successfully organized for the first time in the history of the Mills regular meetings between the management and representatives of the workers for discussion of all kinds of problems affecting conditions of work or the welfare of the workers.

3-45 p.m. " His active life however was in no way confined to his duties in the Mills heavy though they were. Mr. Antony was a leading Catholic and President of more than one association, namely, the Malabar Catholic Association and the Syrian Christian Association. He had been President of the Madras City Catholic Association for a number of years. This list of his activities though impressive